

**REMARKS**

This is in response to the Office Action dated October 7, 2005. Claims 1-11 are pending in this application. In the Office Action of October 7, 2005, the Examiner rejected claims 1-4 under 35 U.S.C. § 102(b) as being anticipated by Dahlen, U.S. Patent No. 5,870,454 and rejected claims 5-11 under 35 U.S.C. § 102(e) as being anticipated by Williams et al., U.S. Patent Application No. 2004/0252679. The Examiner objected to certain informalities in claims 9-11.

In this amendment, claims 1-7 and 9 are cancelled, making the Examiner's rejections with respect to those claims moot. Claims 8, 10 and 11 are amended to more particularly and distinctly claim the present invention and to obviate the Examiner's objections to the claims. New claims 12 and 13 are added.

**Amended Claim 8 is Patentable**

Claim 8 is amended to include, *inter alia*, the steps of:

- sending an indication of the incoming call to the called user device, including an option to receive voice or text;
- receiving a response from the called user device indicating that text is desired;
- sending to the calling user device an indication that text is desired;
- determining whether the calling user device will respond with text or voice;
- in response to an indication that the calling user device will send text, receiving a first text message from the calling user device;

By virtue of these steps, a called user device receives the option to receive an incoming call as text or voice. And, a calling user device has the option to respond with text or voice. Neither Dahlen or Williams discloses these novel features, either separately or in combination. Therefore, claim 8 is patentable and claims 10-13 are patentable, at least because of their dependence on amended claim 8.

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**CONCLUSION**

All pending claims are in condition for allowance. Allowance at an early date is solicited.

Respectfully submitted,



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